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Declaration under Rule 4.17:

— as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) for the following designations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW, ARIPO patent (BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)

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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

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(54) Title: RECORD CARRIER COMPRISING AN ADDITIONAL SYNC-COLOR PATTERN AND METHOD AND DEVICE FOR USE WITH SUCH RECORD CARRIER

(57) Abstract:

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference PHNL021134WO	IMPORTANT DECLARATION	Date of mailing(day/month/year) 17/06/2004
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International Patent Classification (IPC) or both national classification and IPC G11B20/14		
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below

1. The subject matter of the international application relates to:
 - a. scientific theories.
 - b. mathematical theories
 - c. plant varieties.
 - d. animal varieties.
 - e. essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. schemes, rules or methods of doing business.
 - g. schemes, rules or methods of performing purely mental acts.
 - h. schemes, rules or methods of playing games.
 - i. methods for treatment of the human body by surgery or therapy.
 - j. methods for treatment of the animal body by surgery or therapy.
 - k. diagnostic methods practised on the human or animal body.
 - l. mere presentations of information.
 - m. computer programs for which this International Searching Authority is not equipped to search prior art.

2. The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

the description the claims the drawings

3. The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

the written form has not been furnished or does not comply with the standard.

 the computer readable form has not been furnished or does not comply with the standard.

4. Further comments:

see further information PCT/ISA203

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Patricia Klingens-Herklots
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

No Meaningful Search is possible, Art 17(2) (ii) PCT.

The Description of the Application cites the "Blu-ray Disc format according to the Blu-ray Disc standard (Blu-ray Disc System Description, Rewritable Format, part 1, Basic Format Specifications), as being very relevant prior art (lines 9-10 page 1, line 22 page 1, line 5 page 2). This prior art document is sold under the Blu-Ray Disc Information Agreement (see www.licensing.philips.com), which comprises a Confidentiality agreement, see Article 6, reading: " Recipient shall at all times maintain strict confidentiality with regard to the Blu-ray Disc Standard Specifications and any other information received from Philips, in connection with the Blu-ray Disc Standard specifications, and (i) shall not disclose same or part thereof to the any third party including Recipient's Associated Company; and (ii) shall not use the Blu-ray Disc Standard Specifications and any other information received from Philips, in connection with the Blu-ray Disc Standard Specifications except for the Authorized Purpose". This prior art document cannot be cited in a Search Report.

The only embodiment of the claimed record carrier that is illustrated in the description, see figure 6, is not sufficiently disclosed, Art 5 PCT. This is because the description has to be supplemented with the Blu-ray Disc specification documents in order for the claimed record carrier to be carried out by a person skilled in the art, and this specification documents are not available to the public since they are sold under the Blu-Ray Disc Information Agreement containing a bar of confidentiality Article.

Moreover, the contribution of the invention seems to be bound to the Blu-ray Disc format, as is stated in lines 3-8 page 2 of the description, where it is stated that the applications is aiming to "extend" the cited Blu-ray Disc standard to a ROM version (see line 6 page 2). No other technical problem could be found in the three other pages of the description.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.